

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

CARLOS A. BERMUDEZ,

Plaintiff,

v.

**U.S. BANK NATIONAL
ASSOCIATION as LEGAL TITLE
TRUSTEE for TRUMAN 2016 SC6
TITLE TRUST and FAY SERVICING,
LLC,**

Defendants.

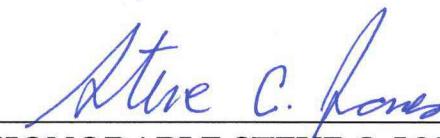
**CIVIL ACTION NO.
1:18-CV-05018-SCJ**

ORDER

This matter comes before the Court on a Motion for an Ex Parte Temporary Restraining Order and for an Interlocutory Injunction (Doc. No. [2]), filed by Plaintiff Carlos A. Bermudez ("Plaintiff") in the Superior Court of Gwinnett County, Georgia, on August 29, 2018. Doc. No. [1-1]. Defendants U.S. Bank National Association as Legal Title Trustee for Truman 2016 SC6 Title Trust and Fay Servicing, LLC subsequently removed this action to this Court on October 31, 2018. Doc. No. [1].

Plaintiff's Motion relates to a "public auction" sale of Plaintiff's home that was scheduled to occur "on the first Tuesday in September 2018", before the case was ever brought before this Court. Doc. No. [1-1], pp. 5-6, ¶6. Therefore, Plaintiff's Motion (Doc. No. [2]) is DENIED as moot. See Wreal, LLC v. Amazon.com, Inc., 840 F.3d 1244, 1248 (11th Cir. 2016) ("A preliminary injunction requires showing 'imminent' irreparable harm."); see also Parker v. State Bd. of Pardons & Paroles, 275 F.3d 1032, 1034-35 (11th Cir. 2001) (noting that the standard for a preliminary injunction and a temporary restraining order are the same). As this case involves an alleged wrongful foreclosure, the Court hereby REFERS this matter to a magistrate judge for determination of pretrial matters.

IT IS SO ORDERED this 1st day of November, 2018.



HONORABLE STEVE C. JONES
UNITED STATES DISTRICT JUDGE